



Governor Terry E. Branstad
Lt. Governor Kim Reynolds
San Wong, Director

IOWA CODE CHAPTER 68B – IOWA PUBLIC OFFICIALS ACT

Selected Relevant Code Provisions:

I. Gift Law Prohibition.

68B.22(1): Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any **gift** or series of gifts from a **restricted donor**. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

68B.2(9): "**Gift**" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

68B.2(24): "**Restricted donor**" means a person who is in any of the following categories:

- Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.
- Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.
- Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit.
- Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

Exceptions.

68B.22(4)

II. Conflicts of interest.

68B.2A(1): Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which is in conflict with the person's official duties and responsibilities...

68B.2A(2): If the outside employment or activity is [subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment], or constitutes any other unacceptable conflict of interest, unless otherwise provided by law, the person shall take one of the following courses of action:

- Cease the outside employment or activity.
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. For purposes of this paragraph, "official action" or "official duty" includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, granting any license or permit, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.



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68B.3: An **official**... shall not sell... good or services having a value in excess of two thousand dollars to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding.

68B.4: An **official** or employee of any regulatory agency shall not sell or lease, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency of which the person is an official or employee, except when the official or employee has met all of [four conditions: 1) consent of the agency; 2) duties or functions unrelated to the regulatory authority; 3) no advocacy on behalf of regulated persons; and 4) cannot cause sales to the agency by the official or employee on behalf of the regulated persons.]

III. Other activities – two year ban.

68B.7: A person who has served as an **official**... shall not within a period of two years after the termination of such service... receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service...

IV. Personal financial disclosure

68B.35(1): [Requires specified persons to file a financial statement showing general business, occupational, and professional information, as well as information regarding the sources of income which produces more than one thousand dollars of annual gross income.]

68B.35(2): The financial statement required by this section shall be filed by the following persons:

- a. Any statewide elected official.
- b. The executive or administrative head or heads of any agency of state government.
- c. The deputy executive or administrative head or heads of an agency of state government.
- d. The head of a major subunit of a department or independent state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules adopted by the board, pursuant to chapter 17A, in consultation with the department or agency.
- e. Members of the banking board, the ethics and campaign disclosure board, the credit union review board, the economic development board, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, the tax review board, the transportation commission, the office of consumer advocate, the utilities board, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. ...

[Board Rule 351 Iowa Admin. Code 11.2 identifies by department all positions requiring reporting.]